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**Experiential learning and experience of learning
through vocational education: the trailblazer
apprenticeship.**

A paper presented at The Society of Legal Scholars
Annual Conference at the University of Central
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Abstract

This paper is exploring some of the main themes and perspectives of the apprenticeship as a model of learning. The introductory section of this paper provides a brief overview dealing with the history of the apprenticeship as a means to develop the skills and knowledge of a trade. The paper is focussing on how the apprenticeship has been used as a model for learning within the workplace. The term 'learning' and the different perspectives on how learning takes place is examined. This leads us to the debate dealing with informal and formal learning that is recognised and seen as a way of developing knowledge and skills within a workplace environment. The second half of the paper examines the introduction of the higher apprenticeship and degree apprenticeship model. This is an ongoing debate which has created challenges for the higher education sector who must configure educational provision alongside work-based learning. This involves creating a partnership arrangement with stakeholders such as employers, employees (apprentices) and higher educational institutions. This is illustrated through the trailblazer apprenticeship model; a contemporary apprenticeships that has been adopted by the Solicitors Regulatory Authority and adapted as the new pathway for intending solicitors who wish to qualify in the near future. It is this apprenticeship model that has been used as the blue-print when the SRA designed the new pathway(s) for the academic stage and the end-point-assessment to qualify. This is developed in the latter section of the paper whilst dealing with the mechanisms of quality assurance and governance dealing with this professional pathway to qualify as a professional practitioner.

Introduction

The apprenticeship has been used to develop the skills and knowledge associated with various crafts since medieval times (Snell, 1996). During the 12th Century until 1563 there tended to be a monopoly over the apprenticeship in the form of a guild apprenticeship. These types of apprenticeships were governed by an association of craftsmen who represented a particular trade or craft. They attempted to guarantee standards amongst their crafts and trades and would pass on these standards whilst developing the skills and knowledge of their apprentices (Cowman, 2014). It was these associations who controlled the apprenticeship and restricted entry in to many of the professions of its day (Fuller and Unwin, 2013). It was not until 1563 was there any State intervention which introduced some form of governance over the organisation and development of the apprenticeship. This was during the reign of Elizabeth 1 who gave Royal Assent to the Statute of Artificers 1563. This legislation attempted to unify the apprenticeship system that previously drew on various schemes and local customs. The legislation stipulated that the apprentice was to serve a minimum of 7 years and was only to end when they reached an age of 24 years old. This was later reduced to 21 years old in the Eighteenth Century. This legislation controlled wages at local levels, employment rights which included apprentices and restricted the mobility of labour (Woodward, 1980). The Statute of Artificers sanctioned the control a master would have over their apprentice. It was the mechanism which gave control to the master over the apprentice's livelihood. The apprentice would normally live-in the same premises as their master. The master would receive payment for providing the apprentice with their training, knowledge and developing the skills of their craft. This fee was paid by the parents of the apprentice or a charity (Snell, 1996). This type

of apprenticeship and its duration imposed more than just the development of skills and knowledge. It was expected that the master would include a range of knowledge and behaviours which may have included: literacy, morality, domestic skills and religious instructions (Cowman, 2014). This form of apprenticeship demonstrates the control that was yielded over the apprentice. This model continued until the early 19th century when the 1814 Statute of Artificers was repealed. The legislation was no longer fit for purpose as it only covered trades and crafts of its day and did not deal with any new trades that were introduced during the industrial revolution. This was a period of unregulated vocational education and training. With little or no State governance in place there was limited control dealing with apprenticeships. With various industries expanding during the industrial revolution the apprenticeship was used as child labour (Fuller and Unwin, 2009). This also meant that from around 1870 the apprenticeship model developed independently from publicly funded education. There was no requirement for apprentices to undertake any formal education and this was reflected in the design of apprenticeships at this time which did not include any such provision. The knowledge and skills would be undertaken in the workplace and no off-the-job training would be involved.

The use of the apprenticeship model was the foundation of the articled clerk (Ching, 2012). This arose in the 17th Century and involved work-based learning to qualify as a solicitor (Darlow, 2014). This form of work-based learning required the articled clerk to serve several years under the guidance of an experienced solicitor before qualifying (Darlow, 2014). Since this period there has been a formal recognition for legal education to be part of the qualifying process (Darlow 2014 and Fuller & Unwin 2009).

Learning in the workplace

The use of work as a means of educating and providing society with the skills is a model that keeps being reinvented through the apprenticeship. It is associated with social learning theory which demonstrates how learning may take place through a work-related environment. As a model for learning the apprenticeship continues to be used to highlight how learning at work is a prominent issue for policy makers in recent times. Whilst policy makers are reinventing the apprenticeship model it is still a personal journey for the apprentice. It is a lived-experience that is exposing the apprentice to the day-to-day working environment of their trade or profession. It should be a journey that is structured and one that will provide an insight in to professional practice. This experience should provide the apprentice with an opportunity to develop their role and identify as a practitioner. It is within this community of practice that the apprentice will become self-aware of their professional practice as they integrate into a culture inside their workplace environment. This is evident from the work of Lave and Wenger (1991) who have illustrated through their case studies how learning is developed in a workplace environment. Their work was developed whilst observing apprentices in different cultures who adopted the norms and behaviour of their working community. Their work highlighted the transformation that was taking place for these apprentices as they moved towards full participation, whilst engaging in sociocultural practices within their workplace community. Lave and Wenger's (1991) ethnographic study of the apprenticeship drew-out the unseen learning that was taking place within this interdependent relationship between the apprentice and their working communities. They focussed on the changes that were taking place through a cultural transformation, one in which the apprentice is situated

in a position and adopts the values and attitudes presented within a profession. Lave and Wenger (1991) reported their observations of different professions through five case studies. They focussed on communities of practice and how apprentices developed their identity within each community whilst becoming a full participant of their profession. For Wenger (2009) a community of practice is where learning takes place within a social context. He defined this as:

... collective learning in a shared domain of human endeavour: a tribe learning to survive, a band of artists seeking new forms of expression, a group of engineers working on similar problems, a clique of pupils defining their identity in the school, a network of surgeons exploring novel techniques, a gathering of first-time managers helping each other cope.

(2009, Page 1)

In the original work of Lave and Wenger (1991) their five case studies dealt with the Yucatec Mayan midwives in Mexico; Vai and Gola tailors in Liberia; American navy quartermasters and butchers in an American supermarket. They included within their research nondrinking alcoholics in Alcoholics Anonymous but this last category was not an apprenticeship but according to Lave and Wenger (1991, p.65) it was used to highlight some common features that appeared in the first four apprenticeships. For example, the nondrinking alcoholics became members of a community (Alcoholics Anonymous) whilst developing their identity and role. The nondrinking alcoholics became full participants in a sociocultural practice which involved the interaction between members who shared their experiences and supported each other whilst recovering from alcohol dependency.

Lave and Wenger's work demonstrated that learning is a cultural aspect that is shared with novices, apprentices, who are introduced to their professional practice at the early stages of their career by experts, experienced practitioners within their intending profession. At this stage of the apprentice's journey they will be at the peripheral of their working community. They are not yet part of that community but are developing

a stronger relationship with members of their professional practice. It is a socialisation process that takes place whilst the apprentice is being exposed to a range of professional skills through a range of work-based activities. The apprentice is observing professional practice taking place, hearing and adopting the language being used. They begin to model their behaviour on the day-to-day situations in which they co-participate with their superiors, such as line-manager or mentor who is instructing and illustrating how to undertake a specific work-related activity. This is how the apprentice is developing their knowledge, skills and behaviours of their professions according to Lave and Wenger (1991). The apprentices are exposed to a range of different skills which are acquired as their duties change and how these skills are presented to them in a different context. This draws the apprentice into the working community as a professional practitioner. The apprentice is no longer on the periphery but is now participating as a member of their working-environment and will become a full-member of this community at the point of qualifying.

For Lave and Wenger (1991) they see the social interaction between the apprentice and their employment as developing the apprentice's role through their work-based relationships within that role. For them it was the developmental stages whilst acquiring the knowledge and skills needed to perform their duties within the workplace. They refer to this as "situated learning" which refers to the apprentice's situation, their environment, where they are adopting the mannerisms, culture and business practices within their workplace. The use of Lave and Wenger's (1991) notional framework dealing with situated learning. As the apprentice became part of a group (working environment) they integrated and took on the role of those who had been nurturing their development. Billett (2012) refers to this as "mimesis" whereby the apprentice

will observe, imitate and then practise the task (9.10-9.31). Billett (1995) is an advocate of work-based learning and he believes the apprenticeship model focuses on the individual who will develop the required knowledge and skills from their personal experience in the workplace. He refers to socio-cultural constructivism where the apprentice is placed in a situation and is able to develop their knowledge (understanding) by interacting with their peers and workplace environment. They are constructing, developing their knowledge by interacting and interpreting their personal experiences (1995, p.21).

Constructing a learning environment – social learning theory

The apprenticeship, as a model for learning, has a developing body of knowledge which demonstrates how the interdependent relationship with work and how knowledge is put in to practise converts abstract knowledge into action and is central to changing of behaviour and long-term development of the apprentice (Guile and Young, 1998). Knowledge is socially constructed through their experience in the workplace (Lemanski and Overton, 2016). The work of Bruner of (1960) demonstrates that an individual is able to construct their own knowledge in the workplace whilst undertaking problem solving tasks. This is distinct from formal education which takes place in the classroom where knowledge is transferred using a range of activities which may include simulated tasks that would support the apprentice in their place of work. Whereas, Lave and Wenger's work (1991) focussed on the typical apprenticeship model that focussed on the novice being mentored in the workplace and did not include the use of formal education, such as in the classroom. Their case studies did not include an apprenticeship which was reliant upon the use of formal

teaching in the classroom (Fuller and Unwin, 2003). The model they studied was implemented and delivered by the employer. Billett (2001) distinguishes between traditional types of apprenticeships who qualify within particular trades and professional occupations such as law and medicine. His comparison is with the work experience undertaken by professions such as lawyers or the medical profession where workplace experience is “legitimated through the integration within, or because they follow on from, courses in educational institutions. On their own, workplace experiences would not be sufficient for admission to the professions and are resisted ...” (Billett, 2001, p.4). It is the relationship between vocational education and general educational qualifications that needs attention (Eraut, 2001). The development of educational provision and how it is designed, developed and delivered needs careful consideration. This involves a degree of change for those who work in higher education who must operate as managers and providers of educational provision (Fletcher, 2007). They will have to manage the on-going changes in order to implement a curriculum that will support those students who are attending higher educational institutions as part of their apprenticeship. This is an important aspect for solicitor apprentices as the design of the trailblazer apprenticeship in England is assessed on a centralised end-point-assessment. This is an independent assessment which is not based on a qualification framework but, instead, on occupational standards. Therefore, it is the configuration of formal education with work-based learning that needs careful attention. Learning in the workplace needs to be managed by the employer and this needs to be negotiated with the training providing who will be delivering the educational provision. This partnership must be developed and this will support the apprentice in their working environment and will influence how educational provision is designed, developed and delivered. For the apprentice, how

they are able to perform their duties and develop their professional knowledge and skills is dependent on how workplace and classroom learning is structured. This is supported by Eraut (2001) who explains that for the apprentice "... their learning is context-specific, and much of it is likely to be tacit rather than explicit – they can do it but not explain it. This contrasts with learning in formal education, which is primarily concerned with the planned acquisition of explicit knowledge" (p.89).

Configuring professional knowledge within work-based learning

Professional bodies usually formulate a mechanism that will recognise or accredit academic qualifications so they will contribute to the professional recognition of a specific profession or trade (Bravenboer and Lester, 2016). The governing body for solicitors in England and Wales, the Solicitors Regulatory Authority (SRA), will be relinquishing authorisation or validation of the provision for legal education from the autumn 2021. As part of their restructure dealing with qualifying as a solicitor, which includes the apprenticeship pathway, there will be no need to obtain authorisation as required under the existing system which deals with the qualifying law degree. Instead, the SRA believe the super exam will maintain consistency and standards (SRA, 2015a). They are also relinquishing control over the work-placement for the apprentice. Apprentices will not need to register with the SRA or notify them of their apprenticeship agreement. Instead, the apprentice will need to contact the SRA once they have completed the assessment, work-based learning period and have evidence from their employer. This is contrary to the current position when you have a trainee solicitor undertaking work-based learning (SRA, 2015a). The lack of monitoring by the governing body for solicitors is concerning as this may result in a different experience

for different apprentices. This in effect is removing the standardisation of higher education that is expected or needed for those students or apprentices who intend to qualify as a solicitor.

The alignment of knowledge with work-based learning

It is how professional knowledge is introduced and the way skills are developed. The two must be aligned if they are to work-together. This will need to be outlined in the design and developmental stage of the curriculum. The classroom activities need a direct relationship with the work-based activities. This will support the on-going development of the apprentice in the workplace. The delivery of educational provision can and should be tailored to meet the level of the apprenticeship. For example, introducing the appropriate scaffolding (support mechanisms) which can be removed as the apprentice develops their role in the workplace. The apprenticeship journey needs to be structured within the workplace environment and supported by the academic curriculum. This should take the form of developmental goals that have been identified and form part of the professional development for the apprentice. This is constructing learning through a range of in-built mechanism which will provide directed learning. As the apprentice develops the appropriate knowledge and skills you can withdraw (fading) some of the support mechanisms as the apprentice becomes an independent and self-directed in their role. Vygotsky (1986) used this approach in his work. He fostered the argument that learning should be sequential; whilst building upon each stage of the learning process. Vygotsky's work demonstrated that learning should lead to a changing experience through the development of the mind and experience. He identified the 'Zone of Proximal

Development' (ZPD). For Vygotsky this was a space he identified where the learner (apprentice) and teacher (employer) would interact. The teacher (employer) would be able to identify the current level of development and assist the learner (apprentice) to move to the next level. The relationship between the employer and apprentice should be an opportunity for the apprentice to be able to develop independent learning skills; providing an opportunity for the apprentice to move from one position to the next position.

The integration of higher education in to the workplace

The UK government has introduced the higher apprenticeships and degree apprenticeships as an alternative pathways taken to qualify in different professions (Saraswat, 2016). In light of these reforms higher educational institutions are being encouraged to develop a partnership arrangement with employers through the trailblazer apprenticeship model. They include various professional pathways such as the solicitor apprenticeship which have the potential to offer work-based learning which are a debt-free alternative compared to the traditional higher educational pathway in England (Saraswat, 2016). This is going to be a challenge for some higher educational institutions who will need to adapt their existing business models to support the work-based learning routes alongside their traditional academic routes. Working in partnership with various industries will be mutually beneficial for the higher educational sector but there will also be challenges as the main purpose of the workplace is to produce goods or services. It is a business and a place where individuals will demonstrate their day-to-day skills whilst delivering these services or

goods. This is the nature of work but the way a workplace functions will produce informal learning (Unwin et al, 2005).

Skills and knowledge are developed in the workplace and government policy is encouraging employers to be involved in work-based learning through the trailblazer apprenticeship model. The policy is to develop employer ownership by engaging employers in the creation of the apprenticeship training and assessment (Department of Business, Innovation and Skills, 2015). This policy is beginning to filter through to a range of professions, which includes accountants, solicitors and architects who have engaged with their professional body, such as the SRA, and created the apprenticeship standards for their profession.

The devolution of work-based learning

The new forms of apprenticeship are developing across the four nations. They are at different stages of policy development and implementation. This is as a direct result of education and skills operating under a devolved system in the UK. The decentralisation of control over certain matters, such as education, health and welfare reform is no longer predominately dealt with by central government in Westminster. The transference of power from central government to local government (devolution) is distributed to each nation state: England, Scotland, Wales and Northern Ireland. Therefore, the use of different terminology is used by the four nation states when dealing with apprenticeships that incorporate higher education as off-the-job training. Below are the different types of apprenticeships which form part of these new professional apprenticeship pathways in the UK:

England: Higher level and degree apprenticeships.

Wales: Degree apprenticeships.

Norther Ireland: Higher level apprenticeships.

Scotland: Graduate apprenticeship.

These apprenticeships include different levels of education which range from level 4 to level 7 of the Framework for Higher Education for Qualifications (FHEQ) in England, Wales and Northern Ireland. Whereas, in Scotland the apprenticeship level is based on levels 6 to 11 of the Framework for Qualifications of Higher Education.

This paper is focussing on the trailblazer solicitor apprenticeship in England. A higher level apprenticeship which is accommodating the on-going reforms being developed by the SRA. As a professional pathway to qualify as a solicitor through work-based learning the re-design is changing the way trainee solicitors will qualify in the near future. The implementation of this form of apprenticeship and how these apprentices will develop the legal knowledge and skills to practise law is uncharted. This paper is seeking to develop a body of knowledge that will reveal the experiential learning process that is taking place inside this form of apprenticeship model and how higher educational institutions may support this new form of apprenticeship.

The trailblazer apprenticeship – an employer-lead apprenticeship

In England the trailblazer apprenticeship enables individuals to qualify as solicitors based on achieving certain standards. These standards have a direct correlation with the professional qualification to be achieved at the end of the apprenticeship. Each standard describes the level of skill and competency required to perform the task(s) related to the work of a solicitor. Richard (2012) produced the latest reforms which instigated the trailblazer apprenticeship; a new apprenticeship model based on standards. The implementation of his (Richard, 2012) review has changed the apprenticeship model in England by phasing out the 'framework' apprenticeship model and replacing it with the Trailblazer model based upon these professional standards (Powell, 2019, p.4). Therefore, the 'Trailblazer' is replacing the Specification of Apprenticeship Standards for England (SASE) which previously set the minimum statutory requirements for training providers and employers. The removal and replacement of the SASE has allowed apprenticeships to be constructed at levels 6 or

7 of the FHEQ. This was the inception of a new form of professional apprenticeship which incorporates higher education and professional standards.

Richard's argument was that a professional practitioners need a licence to practise (2012). A profession should be based on standards constructed by the profession. He encapsulates the foundations of his argument in his report:

These new apprenticeship qualifications should replace today's apprenticeship frameworks. They should be set by those who know best: employers. ... The solution lies in shifting the power over designing and developing apprenticeship qualifications to employers in a far more direct and transparent way than at present, whilst giving Government a clearer role in defining what a good quality standard looks like.' (Pp.6-7)

Richard's premise was accepted and implemented by the then current government. These standards are set by a specific industry or regulatory body. They set out what an apprentice will be able to do at the end of their apprenticeship. Richard was mindful of the underpinning knowledge needed to achieve work-based related standards and recommended that off-the-job training incorporates traditional class-room education. He made this clear in his report:

Apprentices acquire skills, knowledge and understanding through on and off the job-related learning, and develop their skills as they do their job, by testing and applying theoretical knowledge and methods directly to the practical world of work. It is this interaction between work and education that defines what an apprenticeship is at its core (p.31).

It is the alignment of education and work-based learning that has not been fully-thought through. The development of the educational provision to supplement the trailblazer solicitor apprenticeship has not been structured by the SRA. Instead, the SRA have introduced a centralised assessment. This aligns with the requirements for the trailblazer apprenticeship model. Regardless of the pathway taken to qualify as a solicitor the intending solicitor: student or apprentice must take an end point of assessment (EPA). It is the EPA which measures the knowledge, skills and behaviour that the intending solicitor must demonstrate. This is the position for solicitor apprentices and from 2021 this will also be the position for any new would be solicitors regardless of the pathway they choose to follow in order to qualify.

What are standards?

Apprenticeship standards are produced by the trailblazers who are made up of employers and professional bodies associated with a specific trade or profession. They create the occupational profile which is directly linked to the knowledge, skills and behaviours (KSBs) that will demonstrate the appropriate level of competence in a particular profession. The standards will outline how an apprentice will be able to demonstrate the appropriate level of knowledge and skills at the point of qualifying. Below is a diagram taken from the Institution of Apprenticeship Standards website (2019) which they say illustrates the benefits of a standard, as compared to the framework structure which is being phased out.



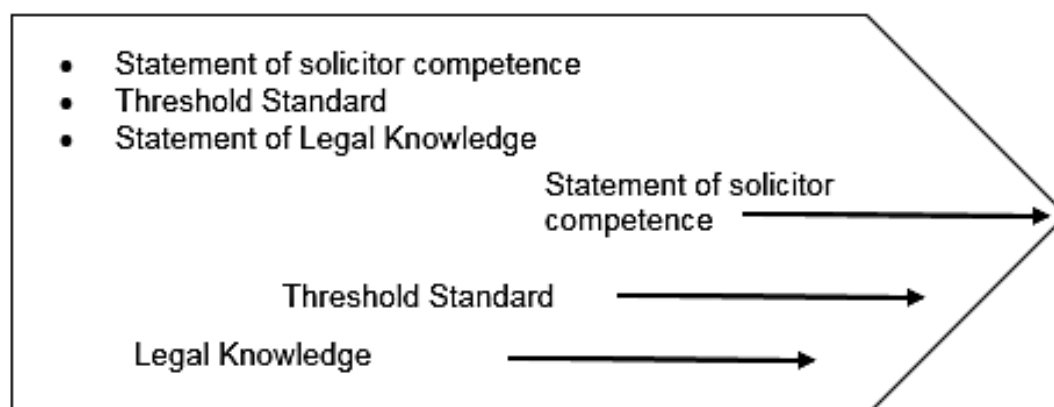
Taken from: The Institute for Apprenticeships and Technical Education (2019b) *What is an apprenticeship standard*, available at:

<https://www.instituteforapprenticeships.org/developing-apprenticeships/what-is-an-apprenticeship-standard/> [Accessed 6th April 2019].

The SRA Statement of Solicitor Competence – threshold standards

The threshold standards set by the SRA link directly to the Statement of Solicitor Competence which has been used to set the standards for the trailblazer solicitor

apprenticeship. They are aligned directly with the SRA's Competence Statement which is compartmentalised in to three sections: Statement of solicitor competence; Threshold standard, and Statement of legal knowledge. The diagram below illustrates the stages taken and how these three distinct area are sub-divided within the Competence Statement:



Taken from: Fletcher, R. (

2016) at page 379.

Below, highlighted in yellow, are the threshold standards **expected of a solicitor (and solicitor apprentice) at level 3 which must be demonstrated at the point of qualifying.** This has been taken from the Solicitors Regulatory Authority Website (2017)

3	Identifies the legal principles relevant to the area of practice, and applies them appropriately and effectively to individual cases'.	Acceptable standard achieved routinely for straightforward tasks. Complex tasks may lack refinement.	Achieves most tasks and able to progress legal matters using own judgement, recognising when support is needed.	Able to deal with straightforward transactions, including occasional, unfamiliar tasks which present a range of problems and choices.	Understands the significance of individual actions in the context of the objectives of the transaction/strategy for the case.	Uses experience to check information provided and to form judgements about possible courses of action and ways forward.	Threshold Standard required at qualification
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The design of the Trailblazer Solicitor Apprenticeship

In England the trailblazer solicitor apprentices who are currently in practice are attending a higher education institute (law school) as part of their off-the-job training. The solicitor apprentice is entitled to 20% off-the-job training (QAA, 2018). The design and delivery of how educational provision is and will be provided during off-the-job training needs to be explored in more depth by higher educational institutions. This is an emerging market which has not yet been fully established and needs time to mature.

A small number of higher educational institutions are currently accommodating the trailblazer solicitor apprentices in England. Law schools will need to develop a curriculum that will accommodate the underpinning knowledge that will supplement the knowledge needed. Higher education institutions must reposition their role and be part of the trailblazer apprenticeship. This is essential if higher educational institutions are going to introduce the appropriate pathway for these apprentices. This will place higher educational institutions in a partnership position with employers and ensure the appropriate knowledge and skills form part of the curricula dealing directly with work-based learning. This will involve various stakeholders to support the trailblazer solicitor apprentice in England. There are a number of questions that need to be addressed such as how educational provision and work-based learning will align with the preparation for the EPA? How will employers ensure their apprentices are supported in the workplace and work-based learning is structured in a way that will develop the standards needed to qualify? Many higher educational institutions in England and Wales are still in the process of reconstructing their curriculum to accommodate the range of pathways, which will include the solicitor apprenticeship. It is with this in mind that this paper has considered informal and formal learning. The design of the solicitor apprenticeship has been put in place but the way it is to be delivered and what takes place inside the apprenticeship agreement is unknown. There is no data recorded dealing with the experience of the trailblazer solicitor apprentice.

The day-to-day work of the solicitor apprenticeship

This section of the paper provides an insight in to the experience of the day-to-day work of the solicitor apprentice. Qualitative data was produced using a small study.

The sample was made up of 2 solicitor apprentices. The apprentice(s) had been asked to explain why they had chosen to follow the apprenticeship route instead of the traditional pathway to qualify as a solicitor.

There was a similar response from both apprentices but the main theme that appeared was tuition fees. One apprentice stated “*There’s no debt which means that it ... there’s no Uni debt as everything is paid for by the firm*”. Tuition fees is an undeniable barrier for individuals who have to pay their own tuition. This emerged during the interview and was expressed on numerous occasions by the apprentices. One apprentice explained why they had chosen the apprenticeship routes: “*The money. The fact that you don’t have to pay for ... to get your degree. And they pay us quite a good wage actually for apprentices and it’s the experience*”. The cost of undertaking a three year law degree in England and Wales is likely to cost students in the region of £9,000 for each academic year. Under the current (traditional pathway) system they have to take the Legal Practice Course (LPC) and the fee for this one year course is in the region of £10,000-£15,000. Then there is the living expenses, such as rent and this will vary depending on where a student decides to undertake their study (Fletcher, 2016). This was seen as a barrier for the solicitor apprentices who stated:

So, I left school when I was 18. I had done my A Levels and I decided University was too expensive and that I had enjoyed part-time work and earning my own money. ... I also didn’t want to miss out on education so I thought doing an apprenticeship would be the best of both worlds really.

So I wanted to get in to the legal industry but I was really apprehensive about going to Uni and incurring the debt. Because, especially when the fees went up to £9000 per year ...

These statements demonstrate that tuition fees for these two apprentices were a barrier to entering higher education and qualify as a solicitor. For them, they did not see the traditional route as an opportunity to qualify and practise as a solicitor. The traditional route, such as obtaining a Qualifying Law Degree (QLD), passing the Legal Practice Course (LPC) and then obtaining a two year training contracts was not seen as possible for these two apprentices. This is a common problem for many law graduates and is illustrated in the Law Society’s statistics for 2016 (April 2017). They indicate a growing discrepancy between law graduates and the number of places to

train and qualify as a solicitor.

One of the apprentices expressed some concern about their personal circumstances and background. This apprentice felt their background was a barrier to qualifying as a solicitor and this is reflected in the following statement:

... so for someone like me not from a great background and a lot of people I went to school with it does seem like a viable option [the solicitor apprenticeship] as in you can ... a lot of people go to Uni but I don't think they think how it is going to affect them financially in the future.

The work of Hultberg et al (2008) discusses the linkage between an individual's background and educational attainment. They claim that a student's social background has a direct effect on the transition from studying at school and how they develop as students if they enter higher. The trailblazer solicitor apprenticeship model may address social mobility, as in this case, the apprentice's perception of their ability to go to university has been overcome through the apprenticeship pathway.

When it came to how these apprentices viewed their roles and their personal identity there was a mixed response that emerged. The following statements revealed the distinction:

On my signature it will be legal apprentice and there's a stigma around the word apprentice that you don't know what you're doing. And I have been doing this job for nearly four years so I do know what I'm doing and it is difficult to convey to people that haven't had the solicitor apprenticeship route. So we are actually getting a law degree alongside it and we do have a legal knowledge. And also there is still the trainee solicitor, the usual route you would go through and it is difficult because they say we do exactly the same role ... there is a perceived difference in whether you are a trainee or an apprentice. Even though we do the same thing and I think trainees are more highly thought of and it is difficult when I have conducted a file and then my opponent is a qualified solicitor they automatically think they have one up on you when they see the job title apprentice. ... That we are still perceived as apprentices, rather than trainee solicitors. But I do think that is something that will change the more people learn about the apprenticeship route.

So a lot of the time they will treat you or view you as a trainee. I think with some people that's because some people are not entirely sure what a solicitor apprentice is. But it's good because it means you get ... a higher level of responsibility than I initially assumed I would get when I started. But

at the same time they do appreciate that you are an apprentice so that means you may not be doing the same as a trainee does and they get that you need time off to study and they'll also understand that they might need to explain things in more detail when they are setting a task or give you a bit more time just because you might not ... say with a contract if you haven't studied all of contract law yet.

The data from both participants suggested that the work-based learning route is providing an opportunity to qualify but there was a mixed perception when dealing with the way their role was seen in the workplace.

Work-based learning curriculum

There was a notable difference between the working environment and structured pathway for these two apprentices when it came to the development of knowledge and skills in the workplace. There did not appear to be a work-based curriculum, such as the one suggested in the work of Billett (2001). This was explored with the apprentices and they had different responses. One apprentice states:

It's difficult for them to provide me with a structure because at the end of the day it is, it's a business and an office so they can't ... it's depending on how many staff members we have, like who's off sick, who's on annual leave. I am still a member of a team. I'm not just ... they don't just treat me as, like an apprentice and they don't make that a priority, making sure that I'm learning consistently with what I'm learning at law school. I have to be a team member really and to cover other peoples' work when they are off and things like that. So sometimes a devised structure just wouldn't be achievable.

The second apprentice interviewed had a different experience and responded to the same question by saying:

So, we have a day off to study every week which I think is a government requirement that you get 25% of your work-time as study time. So work-based learning is supporting my development because we ... one of the things that happens in the firm is we have internal training sessions in the department. So we get trained about every time we start a new seat [a new department/subject] as well about the kind of work that we might be expected to cover and how to draft certain pieces of work that you might be expected to do on a day to day basis. And you always have associates and partners who are willing to answer your questions about any work you might be doing or the area of law. And you also have access to the library for your research.

It was good to have these comparisons to consider as they demonstrate different structures in the workplace. Both apprentices were keen to express how they were developing through their work-based experiences but it was evident that their internal work-based structures were different. When the apprentices were asked how they develop their learning within the workplace they responded:

The more you progress the more responsibilities you get. ... I actually think I've been really lucky to sort of come in to the workplace and be given actual proper legal work because I've known friends who are apprentices at other law firms who like after two or three years they were still doing mainly admin tasks.

Whereas, when the same question was developed with the second apprentices who responded by saying:

What happens in the first four years of six years we rotate departments every year. Then in the final two years ... they rotate every six months like the trainees do ... So a lot of the time they will treat you or view you as a trainee.

This demonstrated a notable differences in the way these two apprentices were experiencing their training and how they developed their professional skills. In the first interview it appeared that the apprentice was acquiring the skills and depth of knowledge dealing with civil litigation. The level of training and experience in the workplace had been ongoing for approximately two years. There was no mention of rotation or being exposed to different areas of the law within the workplace, such as commercial law, property law or criminal law. Whereas, the second apprentice appeared to be following the traditional trainee solicitor pathway. This involves being rotated in different areas (often referred to as seats) of legal practise such as commercial law, civil litigation, criminal law and property law. This was distinctly different from the other apprentice who was in one department and developing the skills and knowledge dealing only with civil litigation.

The SRA solicitor apprenticeship framework is still in the developmental stage, such as the SQE assessments have yet to be taken. The SRA have made available their findings from their pilot study for SQE1 (Coombe, 2019 & Kaplan, 2019) and are

planning a pilot for SQE2. It is envisaged that the majority of employers (trainers) will make provision for the apprentice to have day-release to attend university and read for a degree in law. If higher educational institutions subsume the requirements of the SQE 1 in to their law degree this will then align with the requirements of the content and assessment for this part of the end-point-assessment.

The SRA (under their new structure) will no longer specify the training, or subject matter, that needs to be undertaken by the employer (trainer). This is a fundamental change from the previous pathway for trainee solicitors. For example, under a training contract (through the traditional pathway) the trainee, after graduating and passing the LPC, would undertake training (workplace experience) in specific areas in order to qualify as a solicitor. This does not appear to be the case for the solicitor apprentice. Instead, the SRA have provided guidance saying the training provider (employer) need only follow and demonstrate the solicitor apprenticeship assessment plan by passing both stages of the SQE assessments (SRA 2016b and 2017d). The assessment plan has been approved by the Institute of Apprenticeships which ensures standards of apprenticeships are maintained (2015). The threshold standards set by the SRA are fundamental requirements that must be met in order to qualify. The standards are met by passing SQE1 and SQE2. This was discussed with the apprentices and their responses suggest there is limited information provided in regards to the standards both in their workplace and in their study at University. This was evident from the following statements made by both apprentices:

From a work perspective we haven't had any material about it [Threshold Standards]. We have an on-going portfolio. It is based on that SRA competencies. We have to show how we demonstrated it and documentary evidence as well. I will be able to show where I did something and how it matches the standards expected.

I haven't had a proper look at the standards of competences. I actually think we might be able to present ourselves fairly competent because we will have been in the actual workplace for at least four years [before taking the SQE1].

These statements suggest the solicitor apprentices are not being focussed on the threshold standards which need to be demonstrated by passing the SQE 1 and 2. This also reflects earlier concerns dealing with the SRA's governance and no requirement

to set a work-based curriculum for the employer (trainer) to follow.

The apprentices were asked about their development dealing with their professional skills to practise law. They were asked to explain how they acquired these skills. Their responses produced a number of answers:

Having worked at [name of legal firm] for a number of years I understand certain procedures ... like, how to respond in a certain way. I know who to talk to for different things and when to ask for help.

That you get used to and you learn how to write a professional email, take phone calls properly. Just, how to carry yourself at meetings.

A fundamental changes is the monitoring of work-placements under the new structure introduced by the SRA are relinquishing authorisation or validation of the provision for legal education from the autumn 2021. There will be no need to obtain authorisation as required under the existing system which deals with the qualifying law degree pathway. The SRA have justified this by saying the SQE (supper exam) will maintain consistency and standards (SRA, 2015a). Instead, the SRA believe the super exam (SQE) will ensure the level of standards required will be demonstrated by passing the SQE. They are also relinquishing control over the work-placement which includes the apprenticeship pathway. Work-placements and apprentices will not need to register with the SRA (SRA, 2017). The lack of monitoring by a governing body for those intending to qualifying as solicitors is concerning. This may result in a different educational experience and different experience through work-placements/apprenticeships

Conclusion

Learning in the workplace is influenced by a range of factors, such as government policy, professional bodies and are shaped by the way higher educational institutions develop their curricula. The merging of work-based learning with higher education is not unique in itself. However, the introduction of the trailblazer apprenticeship and the expansion and speed at which higher and degree apprenticeships have been introduced is placing pressure on higher educational institutions. Higher educational institutions need to reposition themselves. They are currently being led by government

policy and the SRA who are dictating the re-design of the curricula in higher educational institutions. In this instance the designing, implementing and delivery of higher educational provision is essential when considering any changes to the curricula, or introducing a new structure such as the apprenticeship model. Higher educational institutions need to be part of the decision making process in order to put in place the necessary teaching, learning and training provisions that are needed to support the upcoming changes. This is something that needs to be addressed by developing stronger relationships with practitioners and higher educational institutions. They need to develop a partnership when designing, developing and delivering work-based learning. There are distinctions between pedagogy that is designed and delivered in the classroom, as opposed to the workplace. In the workplace the emphasis will be the work-related activity which will arise, rather than being deliberately organised and implemented such as in a classroom. It is the work that is undertaken and how it is structured in the workplace that will place the apprentice in the position to learn about a specific area of the law: putting the law in to practise. If the apprentice's workplace experience is structured, such as in a conveyancing department and the educational curriculum is aligned with the experiential learning this will bring the workplace and classroom activities together. This is but an example to how this will add-value to the learning that takes place.

The way students and apprentices learn and practise law needs to be aligned. Law as a subject lends itself to problem-based-learning (PBL). This will support students or apprentices whilst they study and develop the underpinning knowledge needed to put the law in to practise. However, the introduction of the EPA has placed pressure on higher educational institutions who must support this new mode of assessment. This means there must be a stronger collaboration between employers and higher educational institutions. This is the key factor which will determine the success of the apprenticeship, as a model for learning in the near future. This will foster the apprenticeship as a progressive model of learning. It will nurture the learning process in the classroom and within the working environment. This is supported by the work of Fuller and Unwin (2011) who argue that the apprenticeship model is constantly changing and evolving to meet the demands placed upon industry and professional bodies within the UK. This is a real opportunity for the apprentice to engage and develop their skills and supplement their knowledge whilst reading for a degree.

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